

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: **7/20/2018**

-----X
WELLS FARGO BANK, N.A., AS TRUSTEE
FOR THE REGISTERED HOLDERS OF
CREDIT SUISSE FIRST BOSTON MORTGAGE
SECURITIES CORP., COMMERCIAL
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-C2, BY AND
THROUGH ITS SPECIAL SERVICER,
CWCAPITAL ASSET MANAGEMENT LLC,

Plaintiff,

v.

390 PARK AVENUE ASSOCIATES, LLC; ABY
J. ROSEN; MICHAEL FUCHS; HARRY LIS;
SELL-MAR ENTERPRISE INC.; GOTHAM
LIGHTING SUPPLY; A-VAL
ARCHITECTURAL METAL III LLC; STATE
OF NEW YORK DEPARTMENT OF
TAXATION AND FINANCE; NEW YORK
CITY DEPARTMENT OF FINANCE; NEW
YORK CITY CRIMINAL COURT; NEW YORK
CITY ENVIRONMENTAL CONTROL BOARD;
NEW YORK CITY WATER BOARD; "JOHN
DOE"; "MARY ROE"; AND "XYZ
CORPORATION" (the latter three names being
fictitious but intending to designate tenants
residing at or persons having an interest in the
premises described in the Complaint herein),

Defendants.

-----X

Case No.: 16-cv-09112 (LGS)

**DEFAULT JUDGMENT AGAINST
DEFENDANTS (A) SELL-MAR
ENTERPRISE INC.; (B) GOTHAM
LIGHTING SUPPLY; (C) A-VAL
ARCHITECTURAL METAL III LLC;
(D) STATE OF NEW YORK
DEPARTMENT OF TAXATION AND
FINANCE; (E) NEW YORK CITY
DEPARTMENT OF FINANCE; (F) THE
NEW YORK CITY CRIMINAL COURT;
(G) NEW YORK CITY
ENVIRONMENTAL CONTROL
BOARD; AND (H) NEW YORK CITY
WATER BOARD**

Pursuant to the Order to Show Cause dated May 31, 2018, the papers filed in support thereof by Plaintiff Wells Fargo Bank, N.A., as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2005-C2, acting by and through its Special Servicer CWCapital Asset Management LLC ("Plaintiff"), and the entire record before the Court, and good cause appearing

therefor, the Court hereby finds that:

1. This action was commenced on November 22, 2016 by the filing of the Complaint for Foreclosure of a Leasehold Mortgage (the "Complaint"), [Docket No. 1]. The summons were issued on November 23, 2016. [Docket No. 5].

2. A copy of the summons and complaint was served on defendant A-Val Architectural Metal III LLC on December 16, 2016 by service accepted by the Secretary of State, and proof of service was filed on December 22, 2016 [Docket No. 11].

3. A copy of the summons and complaint was served on defendant New York City Environmental Control Board on December 13, 2016 by personal service on Betty Mazyck, and proof of service was filed on December 22, 2016, [Docket No. 12].

4. A copy of the summons and complaint was served on defendant New York City Criminal Court on December 13, 2016 by personal service on Nona Riley, and proof of service was filed on December 22, 2016, [Docket No. 13].

5. A copy of the summons and complaint was served on defendant New York City Department of Finance on December 13, 2016 by personal service on Errico Madaleni, and proof of service was filed on December 22, 2016, [Docket No. 14].

6. A copy of the summons and complaint was served on defendant State of New York Department of Taxation and Finance (the "Department of Taxation") on December 15, 2016 by personal service on Michelle Welch, and proof of service was filed on December 22, 2016. [Docket No. 15].

7. A copy of the summons and complaint was served on defendant New York City Water Board on December 22, 2016 by personal service on Betty Mazyck, and proof of service was filed on December 29, 2016, [Docket No. 23].

8. A copy of the summons and complaint was served on defendant Sell-Mar Enterprise Inc. on December 14, 2016 by personal service on Justin Laporte, and proof of service was filed on December 29, 2016, [Docket No. 24].

9. A copy of the summons and complaint was served on defendant Gotham Lighting Supply on December 15, 2016 by personal service on Todd Bazlen, and proof of service was filed on December 29, 2016, [Docket No. 25].

10. On January 3, 2018, the Clerk of the United States District Court for the Southern District of New York (the "Clerk") entered the Clerk's Certificate of Default, [Docket No. 121], in which the Clerk, among other things, certified that defendants (a) Sell-Mar Enterprise Inc.; (b) Gotham Lighting Supply; (c) A-Val Architectural Metal III LLC; (d) State of New York Department of Taxation and Finance; (e) New York City Department of Finance; (f) The New York City Criminal Court; (g) New York City Environmental Control Board; and (h) New York City Water Board (collectively, the "Defaulting Defendants") have not filed an answer or otherwise moved with respect to the Complaint.

WHEREFORE, the Defaulting Defendants having not answered or otherwise moved with respect to the Complaint and the time for the Defaulting Defendants to answer or otherwise move with respect to the Complaint having expired, it is hereby

ORDERED, ADJUDGED AND DECREED:

That Plaintiff have judgment against each of the Defaulting Defendants that the Defaulting Defendants, and each of them and all persons claiming under them or any of them, subsequent to the commencement of this action and the filing of a notice of pendency thereof, be barred and foreclosed of and from all estate, right, title, interest, claim, lien and equity of

redemption of, in and to the Property (as defined in the Complaint) and each and every part and parcel thereof.

Dated: New York, New York
July 20, 2018, 2018

SO ORDERED


HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE